


**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ADRIAN DIAZ,)	
)	
Petitioner,)	
)	
vs.)	Case No. CIV-13-229-M
)	
ANITA TRAMMELL, WARDEN)	
OKLAHOMA STATE PENITENTIARY,)	
et al.,)	
)	
Respondents.)	

ORDER

On March 12, 2013, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2254 and/or § 2241, seeking a writ of habeas corpus. Petitioner also filed an Affidavit construed as a motion for leave to proceed *in forma pauperis* and supporting documents. The Magistrate Judge recommends that petitioner's motion for leave to proceed in forma pauperis be DENIED and the action be dismissed without prejudice unless petitioner pays the full filing fee to the Clerk of the Court by April 1, 2013. The parties were advised of their right to object to the Report and Recommendation by April 1, 2013. On March 27, 2013 petitioner paid the filing fee in this case. No objection has been filed. In light of the above, the Court finds Petitioner's Motion for Leave to Proceed in forma pauperis [docket no. 2] is moot. Additionally, the Court RECOMMITS this case to the United States Magistrate Judge.

IT IS SO ORDERED this 2nd day of April, 2013.


VICKI MILES-LaGRANGE
CHIEF UNITED STATES DISTRICT JUDGE